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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 )  
Revision of Part 22 of the ) CC Docket No. 92-115  
Commission's Rules Governing )  
the Public Mobile Services )

U S WEST COMMENTS

U S WEST, Inc. ("U S WEST"), through counsel, and on behalf of itself and its wholly-owned subsidiary, U S WEST NewVector Group, Inc. ("NewVector"),<sup>1</sup> hereby submits these comments in the above-captioned docket. In its Further Notice of Proposed Rulemaking<sup>2</sup> the Federal Communications Commission ("Commission") proposes to make further revisions to Part 22 of its Rules governing the public mobile services.

U S WEST applauds the Commission's undertaking to eliminate unnecessary information collection requirements, further streamline licensing procedures, reduce processing and review burdens on the Commission's staff, and ensure that licensees who provide public mobile services are fully qualified to provide service to the public as expeditiously as possible. This proceeding provides the Commission with further opportunity to eliminate many needless regulatory burdens and clarify the requirements that are imposed on licensees. Overall, U S WEST supports the

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<sup>1</sup>U S WEST is a holding company and provides no services to the public. NewVector provides cellular, paging, and other mobile services to the public.

<sup>2</sup>In the Matter of Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, CC Docket No. 92-115, Further Notice of Proposed Rulemaking, FCC 94-102, rel. May 20, 1994 ("Further Notice").

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Commission's proposals in its Further Notice. However, there is one issue that merits attention.

In its Further Notice, the Commission proposes to change the System Information Update ("SIU") filing requirements. The Commission proposes the following for SIU filings: (a) file Cellular Geographic Service Area ("CGSA") information on a 1:500,000 scale map (consistent with the proposal that all maps be filed on a 1:500,000 scale); (b) show only exterior cells and service area boundaries on SIU maps; (c) provide the coordinates of each exterior cell and engineering information contained on the MOB 3 Table of FCC Form 401 Schedule B; and (d) label the information with the number of the relevant market.<sup>3</sup> What is absent from the Further Notice is any discussion or proposal with regard to the elimination or modification of the requirement that SIUs be filed 60 days prior to the expiration of the five-year fill-in date.<sup>4</sup>

U S WEST proposes that the 60-day SIU filing rule be eliminated and replaced with a requirement that SIUs be filed once, on the five-year fill-in date. The existing rule is outdated and no longer necessary. When the Commission initially adopted the 60-day SIU filing rule, CGSAs were defined by licensees, rather than by actual coverage.<sup>5</sup> In addition, licensees could expand their

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<sup>3</sup>Id. ¶ 10.

<sup>4</sup>See 47 CFR § 22.925.

<sup>5</sup>A licensee simply needed to meet the 75 percent coverage requirement previously contained in § 22.903 of the Commission's Rules. "Except for the 75% coverage rules, applicants have been allowed complete freedom to determine the size, shape and locations of their CGSAs." In the Matter of Amendment of Part 22 of  
(continued...)

CGSAs only by filing an FCC Form 401 application, and such pending modifications were required to be included in the SIU filings.<sup>6</sup> Thus, under the old rules, the SIU filed 60 days prior to the five-year fill-in expiration date was likely to depict the existing licensee's CGSA and allow potential unserved area applicants to design their unserved area applications. Since a CGSA is now defined by actual 32 dBu coverage, and the need to file an FCC Form 401 to expand a CGSA is greatly diminished, the likelihood that the 60-day filings will be complete is greatly reduced. Now that licensees may expand their CGSAs by filing FCC Form 489 prior to the five-year fill-in date,<sup>7</sup> the CGSA often changes between the 60-day SIU filing and five-year fill-in dates.<sup>8</sup> This is particularly true in the case of the larger, less populated RSA markets, where construction was

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<sup>5</sup>(...continued)  
the Commission's Rules to provide for filing and processing of applications for unserved areas in the Cellular Service and to modify other cellular rules, Second Report and Order, 7 FCC Rcd. 2449, 2451 ¶ 6 (1992) ("Second Report and Order").

<sup>6</sup>The "60-day" rule was adopted under the old 39 dBu contour rules, when CGSAs could be expanded only by filing an FCC Form 401. See In the Matter of Amendment of Part 22 of the Commission's Rules to provide for filing and processing of applications for unserved areas in the Cellular Service and to modify other cellular rules, First Report and Order and Memorandum Opinion and Order on Reconsideration, 6 FCC Rcd. 6185, 6204-05 ¶ 44 (1991).

<sup>7</sup>See Second Report and Order, 7 FCC Rcd. at 2457 ¶ 15.

<sup>8</sup>For example, in the Arizona 2 - Coconino Rural Service Area ("RSA") and the Washington 2 - Okanogan RSA, NewVector filed at least two updated SIUs (one at the required 60-day date and another on the market five-year fill-in date) to provide the Commission with the most recent CGSA information. NewVector anticipates that it will be required to file additional updated SIUs for RSAs whose fill-in periods expire in the upcoming months.

often more costly and slower than in the smaller, more lucrative Metropolitan Statistical Areas. Thus, the maps filed 60 days prior to the fill-in date are often incomplete. Consequently, the initial SIU filing becomes obsolete and unreliable to potential unserved area applicants. Pursuant to Section 22.925 of the Commission's Rules, if the CGSA changes between the initial SIU filing and five-year fill-in date, the licensee must file an updated SIU.<sup>9</sup>

Elimination of the 60-day SIU filing requirement would be beneficial to the Commission, existing licensees, and potential applicants because it would help reduce the administrative and processing costs of filing updated SIUs.<sup>10</sup> There is no corresponding public interest reason to retain the 60-day filing requirement since the SIUs are often incomplete and can be confusing to potential unserved area applicants. Potential unserved area applicants must continually revisit the Commission up until the five-year fill-in expiration date to see if further updated SIUs have been filed. Elimination of the 60-day filing requirement will ensure that parties interested in unserved areas will go to the Commission only once for SIU filings and will be assured the SIU is an accurate depiction of the market's CGSA at the five-year fill-in date. Eliminating unnecessary filings will

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<sup>9</sup>47 CFR § 22.925.

<sup>10</sup>Since station files are readily available for public inspection at the Commission, prospective bidders for unserved areas will still be afforded the opportunity to review system maps prior to the expiration of the five-year fill-in period and the filing window for unserved area applications. In addition, with only one SIU filed per licensee, the SIUs should be easier to locate than under the current system.

also reduce the demand on scarce Commission resources currently devoted to processing SIU filings. Finally, elimination of the 60-day SIU filing requirement would be consistent with the Commission's intent to eliminate unnecessary information collection requirements in the instant rulemaking proceeding.<sup>11</sup>

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June 20, 1994

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<sup>11</sup> Further Notice ¶ 1.

**CERTIFICATE OF SERVICE**

I, Kelseau Powe, Jr., do hereby certify that on this 20th day of June, 1994, I have caused a copy of the foregoing **U S WEST COMMENTS** to be served via hand-delivery upon the persons listed on the attached service list.

A handwritten signature in cursive script, appearing to read "Kelseau Powe, Jr.", is written over a large black rectangular redaction box.

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